

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Vakeela
W/o Mohd. Yusuf
R/o Thana Bypass Road,
Mohalla -Pathanpura, Manglaur
Roorkee, Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Roorkee, Haridwar,
Uttarakhand

Representation No. 05/2024

Award

Dated: 14.10.2024

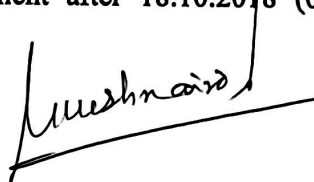
Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) order dated 27.12.2023 in complaint no. 176/2023 by which Ld. Forum has dismissed off the complaint of appellant Smt. Vakeela, W/o Mohd. Yunus, R/o Thana- Bypass Road, Mohalla- Pathanpura, Manglaur, Roorkee, Haridwar, Uttarakhand, (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner Smt. Vakeela, W/o Mohd. Yunus in her appeal dated 23.01.2024 as averred that she has a connection no. RD21724170762. She received a bill of Rs. 26,000.00 in the month of December 2022. Her meter became defective in the month of December 2022. She has alleged that a sum of Rs. 26,000.00 was given to a meter reader Mr. Shahid Ali in the month of December 2022 itself and requested him for replacement of meter, but the said meter reader did not give receipt for depositing the aforesaid amount. Neither he came at her residence for taking reading thereafter. When she approached Sub divisional office, it came to notice that the bill amount has reached to Rs. 1,00,700.00 and the said meter reader still did not deposit Rs. 26,000.00 given to him. IDF bills were being issued till the meter was working and

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metered units (MU) bill were prepared after the meter became defective. She did not receive any bill. Hereafter she approached the Forum and lodge the complaint there on August 13, 2023. Her representative Shri Races Ahmed appeared for arguments before the Forum on her behalf but no official appeared on behalf of the department. The Forum telephonically directed the SDO for checking load at her premises. SDO visited her residence and checked the load. He found 02 nos. fans and 05 nos. bulbs at her residence. He assured her that your connected load is very less and he will submit report to the Forum. Where after she received Forum order on 03.01.2024 wherein her complaint was dismissed. She has further submitted that she resides in the house lonely and therefore consumption is very less. She has prayed that her bill be corrected. A notarized affidavit dated 04.03.2024 was also submitted by the petitioner.

3. The Forum after perusal of the facts observed that the department has issued bills on actually recorded consumption. Her monthly consumption during last 02 years has been the same as an average and as such no correction in the bill is required and the Forum was of the view that the complaint is liable to be dismissed having no force and therefore the Forum dismissed the complaint vide order dated 27.12.2023.
4. The respondent, Executive Engineer has submitted his written statement vide letter 1427 dated 13.03.2024 along with a notarized affidavit. He has submitted that the petitioner filed a complaint before the Forum regarding wrong bills. All documentary evidences regarding the complaint were submitted before the Forum by the department. After perusal of records the Hon'ble Forum found that bills have been issued on actually recorded consumption and average monthly consumption during last 02 months was of the same order as an average and therefore the Forum was of the view that no correction in her bills was possible and accordingly the Forum dismissed the complaint vide order dated 27.12.2023. Further the respondent have submitted point wise report as under:-
 - i. A 02 KW domestic connection no. 21724170762 was released in favour of the petitioner on 21.12.2014.
 - ii. The petitioner did not make any payment after 18.10.2018 (05 years, 05 months).

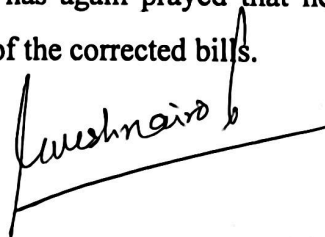


- iii. A new meter was installed at her premises on 18.09.2021 on her installed meter having become defective.
- iv. After replacement of old meter ~~have~~ bills were revised on 06.12.2022 as per billing module of RAPDRP system as old bill revision.
- v. After bill revision a total consumption from 18.09.2021 to 06.12.2022 was 9581 units in 444 days. According to which monthly consumption was 656.36 units (21.578 units per day). Further a consumption of 102 units was assessed for 43 days from 06.08.2021 (bill date) till 18.09.2021 (date of meter replacement) which was also added in the bill. So the revised bill was issued for a total consumption was $(9581+102) = 9683$ units and a corrected bill for Rs. 85,456.00 (including arrear Rs. 20,697.00) was issued which was to be paid by the consumer.
- vi. As per revised bill have monthly consumption was 656.36 units. After issue of the revised bill, the consumption as per billing history from 06.12.2022 to 12.10.2023 for 310 days was $(16615-9581) = 7034$ units i.e. 690.172 units per month.

From the pattern of consumption as aforesaid, it is clear that the bills issued are correct and are liable to be paid by the petitioner. As the bills have been issued on recorded meter consumption and technical correct so the petition is liable to be dismissed.

The respondent has substantiated his submissions with a photo copy of billing history and a copy of the ledger which shows total outstanding dues as on 12.10.2023 is Rs. 1,44,575.00 which amount has further increased to a sum of Rs. 1,57,235.00 as on 15.02.2024 as per the latest billing history and ledger submitted by the respondent.

5. The petitioner has submitted a rejoinder dated 09.04.2024 along with an affidavit. No new facts about the case have been mentioned in the rejoinder and most of the points are reiteration of what she has already averred in her petition except that she is an old lady and is a sufferer of cancer and was admitted in the hospital due to which there was no consumption at her residence. The revision of the bills by the respondent in the month 12/2022 was not correct and she has again prayed that her bills be got corrected so that she may deposit the amount of the corrected bills.



6. Hearing in the case was fixed for 30.08.2024 for arguments. Respondent appeared on the scheduled date on hearing but the petitioner sought for an adjournment through a whatsapp message and therefore 11.09.2024 was fixed the next date for hearing. On petitioner's request the hearing date was again adjourned for 25.09.2024. The petitioner did not appear on this date also even after telephonic intimation as she has been asking for adjournment again and again on one or the other ground such as a death in her family and again her illness so the date of order was fixed for 14.10.2024. However AE (R) appeared on behalf of the respondent and argued his case. He was asked to submit sealing certificate for replacement of meter and a copy of the bill dated 09.02.2023 as well as of 06.12.2022 by 27.09.2024, the same were submitted by AE (R) on 27.09.2024 in person.
7. Documents available on file have been perused and arguments from respondent were heard. It is found that a 2 KW domestic connection under the category STN-10/other domestic load up to 4 KW was released in favour of the petitioner on 21.12.2014. A consumer billing history from 02/2015 to 01/2024 has been adduced by the respondent which show that the connection was released on the said date with installation of meter no. 84659715, which was replaced by a new meter no. 15298919 on 18.09.2021, which is also confirmed by the sealing certificate dated 18.09.2021 in which the old meter was shown no display and the new meter was installed at 0 initial reading, but in the consumer history this meter has been shown as changed in the month of 12/2022. Consumer history also shows that at a number of occasions NA bills have been issued from 06/2016 to 02/2018, again from 02/2019 to 08/2019, IDF bills from 10/2019 to 02/2020, again IDF bills were issued from 06/2021 to 12/2022 and 1 no. NR/IDF bill was issued in the month of 01/2024. Bills for the other billing cycles have been issued on metered consumption. Although NA/IDF bills for a prolong period have been issued as aforesaid in gross violation of relevant UERC regulations, but bills for these periods have duly been revised on metered consumption as recorded in the meters and as such the corrected bills have been issued for recorded metered consumption only. The ledger submitted by the respondent shows that opening balance on 01.04.2011 was 0, where after the petitioner did not make any payment till 03.10.2018 as such the accumulated outstanding dues on 03.10.2018 were Rs. 7,433.00. The petitioner paid Rs. 7,440.00 on 18.10.2018 so the outstanding dues were cleared in totality, where after no

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payments were made by her till 06.12.2022, when the accumulated outstanding dues were Rs. 27,525.00. A revised bill for the period 06.08.2021 to 06.12.2022 was issued on 06.12.2022 on metered consumption of 9683 units for a sum of Rs. 85,456.00 including arrears Rs. 20,697.00, which is also reflected in the ledger. Where after no payment was made and as a result outstanding dues till 12.10.2023 increased to Rs. 1,44,575.00. Again no payment was made by the petitioner till 15.02.2024 resulting into accumulation of dues to Rs. 1,57,235.00, which is also the closing balance on 01.04.2024. The supply of the petitioner was disconnected on 15.02.2024 temporarily. As per billing history the last bill was issued on 25.01.2024 for the month of 01/2024 where after no bill appears to have been issued.

8. As the bills have duly been revised on metered consumption despite issue of NA/IDF bills for a prolonged period as stated above in violation of the regulation, as also observed by the Forum, no further correction or revision of the bills is admissible and the petitioner is liable to pay the total outstanding dues amounting to Rs. 1,57,235.00, which is the legitimate revenue of respondent.
9. In view of these facts of the case, Forum order need not be interfered with and is liable to be upheld. The petition is liable to be dismissed. The UPCL management is advised to identify the officers/officials responsible for issuing NA and IDF bills for such a prolonged period in gross violation of regulations and may take necessary administrative /punitive against such erring staff as per their departmental rules.

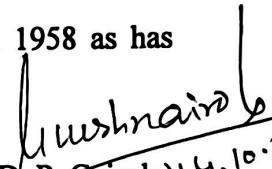
Order

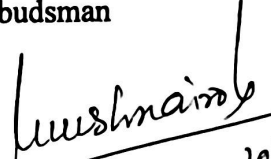
Forum order is upheld. Representation is dismissed. The respondents are at liberty to realize the aforesaid outstanding dues from the petitioner by using such means as are available to them under rules including liquidation of dues as arrears of land revenue through RC under Govt. Electrical Undertakings Dues Recovery Act, 1958 as has duly been adopted in the state of Uttarakhand.

Dated: 14.10.2024

Order signed dated and pronounced today.

Dated: 14.10.2024


(D. P. Gairola) 14.10.2024
Ombudsman


(D. P. Gairola) 14.10.2024
Ombudsman